

DELEGATED REPORT**Report by** Amanda**Date of report:** 25/06/2026**Ref:**73221/FUL

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Registration: 19/05/2026**LDfC:** 19/06/2026**Expiry Date:** 14/07/2026**Site Visit:** 05/06/2026**Site Notice:** N/A**Press Date:** N/A**Objections:** 2**Con Area:** N/A**Adv Type:** N/A**Reason for Delay:****EIA:** NA

N/A

Dec Level: DEL**Stat Class:** HOUS

Proposal: Installation of electric sliding entrance gates and 1.8M high replacement dark grey composite fencing at front/side

Location: 36 Agecroft Road East, Prestwich, Manchester, M25 9RT

Description

The application relates to a two-storey, semi-detached house which has been previously extended. The application has been submitted following an Enforcement complaint that the owner of the property has erected a fence to all boundaries, which would include a sliding gate to the front.

The site fronts on to Agecroft Road East with Hollyedge Drive to the east side. Properties to the front of the site are raised in level compared to the site, whereas properties on Hollyedge Drive to the rear are much lower. Prior to the new fence being erected there was a 1.6m high timber fence to the rear of a low brick wall to the side of the site, with a low wall and railings to the front corner of the site and along the front. There was also a hedge along part of the front boundary and railing gates for vehicular access.

The owner of the property has replaced the existing boundary treatment to the front, side and rear of the site with a dark grey composite fence with black metal posts and they are proposing to install a solid composite electric sliding gate for vehicle access at the front. The hedge has also been removed along the front boundary. The fence measures around 2m along the front boundary and shared boundaries at the front and rear with no.34 Agecroft Road East, attached to the application dwelling and along the side there are various heights along Hollyedge Drive measuring between approximately 1.8m at the front corner to approximately 2.59m at the rear boundary.

Relevant Planning History

- 67780 - Two storey extension at side/rear; Raised patio with glass balustrade and steps to garden level at rear; New front porch - Approve with Conditions 19/01/2022
- 69972 - Two storey extension at side/rear; New front porch; Loft conversion with rear dormer - Approve with Conditions 10/10/2023
- 25/0025 - Not built in accordance with approved plans of planning permission 69972 - 07/03/2025
- 71647 - Two storey extension at side/rear; New front porch; Loft conversion with rear dormer; 1 rooflight to the front and 2 rooflight/balconies - Approve with Conditions 12/05/2025
- 72301 - Variation of condition no. 3 (external finishing materials) on p/p 71647 (Two storey extension at side/rear; New front porch; Loft conversion with rear dormer; 1 rooflight to the front and 2 rooflight/balconies): Change of materials on bay windows to front elevation from tiles to grey cladding - Approve with Conditions 15/10/2025
- 25/0203 - Not being built in accordance with approved plans of planning permission 71647 - 15/10/2025

- 26/0140 - Erection of fencing to front and side -

Publicity

8 neighbours notified on the 28/05/2026 - Two objections received.. A summary of the objections is shown below.

- The height of the new fence significantly obstructs visibility for vehicle users leaving Hollyedge Drive on to Agecroft Road East as well as the neighbour to the rear, exiting their driveway, creating a highway hazard for both motorists and pedestrians.
- The materials, colour and size of the fencing is out of keeping with the character of the surrounding area.
- The height of the fence has been increased significantly above the height of the original fence.
- The ground level at 36 Agecroft Road East has been altered and the current boundary fence is being misused as a makeshift retaining wall. The structure is at risk of failure due to the significant lateral pressure of the ground behind the fence. If it collapses it would cause significant damage to the neighbouring property. A proper, structurally engineered retaining wall should be required to safely manage the change in ground level.
- The existing 1.6m fence referred to in the submission across this frontage was a short brick wall with an open metal railing to circa 1.6m height, and open metal gates. This included a mature hedge to part of the frontage which has been removed (incorrectly noted in the app form which states no hedges are being amended). The replacement panels are taller, solid, opaque, grey plastic and full height with no views through. Whilst noted as 1.8m high there are parts on the corner where the top is circa 2.2m high.
- The submitted plans are poor. They don't describe the proposed fence panel or gate infill, or accurately describe the style of the previously removed fence / wall. There is no information included to confirm the design of the gate so we cannot comment on this aspect but anticipate a solid gate as per the installed fence panels?
- The installation is massively oppressive – akin to a back of house service yard or compound. The panels remove any natural overlooking or surveillance of the street causing the property to turn its back on the public highway, removing the front threshold which is a common feature of the street.
- There are no other properties on the street with a solid wall of this style or height abutting the highway. If all properties installed this design then the street would be a series of gated back of house vehicle compounds with no front gardens or thresholds to back of pavement, damaging the neighbourhood and character of the area.
- We'd raise serious concerns about vehicle movement and the lack of visibility for both driver and pedestrians (including children), passing in between tall solid structures and across a narrow pavement. The pavement is a commonly used route to the local primary school.
- The solid panels reduce the visibility splay for drivers leaving Hollyedge, who no longer benefit from oblique views through the previous open fence line, increasing the risk of accidents.
- None of the examples of local properties in the planning statement exist on a corner plot and are typically elevated properties where walls and planting are extensively used to soften the installation of a tall sliding gate – we'd consider these precedent of limited value when assessing the merits of this application.
- We strongly disagree with the planning statement that suggests the proposals do, 'not result in any significant impact on....visibility, or the character of the...area', for the reasons noted above.
- We would strongly recommend that the design of the fence and gate fronting Agecroft Road East / corner is adapted to provide a more open and neighbourly appearance that reduces the risk of vehicle accidents and provides a level of interaction with the street which is commonplace in the locality. A more open railing design would still provide security to the property, and improves the overall appearance of the boundary, whilst being visually in keeping with the area and maintaining the 'font and back' appearance of the property.

Statutory/Non-Statutory Consultations

Traffic Section - Objection received.

The Highways officer has objected to the proposal on the grounds that the fence, as built and the proposed gate would restrict visibility at the junction of Hollyedge Drive with Agecroft Road East and the back edge of the footway at the interface of the existing driveway with the adopted highway to substandard levels, which would be detrimental to highway safety.

They also stated the plans submitted contain insufficient information to confirm/properly assess the following;

1. Position of the proposed fence and gates relative to the existing adopted highway at Hollyedge Drive and Agecroft Road East and existing boundary wall.
2. Position of the proposed fence and gates relative to the legal/established footway crossing position on Agecroft Road East.
3. Works to extend the existing boundary wall abutting Hollyedge Drive adjacent to No. 2 Hollyedge Drive shown indicatively on the proposed gate and fence elevations, incorporating foundations that do not extend under the adjacent adopted highway.
4. Proposed alteration to/extension of the existing driveway in porous/permeable materials and/or measures to prevent the discharge of surface water onto the adopted highway.

Pre-start Conditions - Not relevant

Development Plan and Policies

SPD6 Supplementary Planning Document 6: Alterations & Extensions
H2/3 Extensions and Alterations
PFE Places for Everyone

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

Visual Amenity -

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

The original boundary to the front of the site and around the front corner was a low brick wall with railings along the top. There were railing gates and also a hedge to the rear of the front boundary wall. This was in keeping with the boundary treatments at the majority of properties along Agecroft Road East. It had an overall height of around 1.6m.

Although the proposed drawings note that the fence measures 1.8m high, the fence which has been installed measures various heights along the front, side and rear boundary between around 1.87m at the front corner to 2.59m at the rear corner, adjacent to the driveway with no.2 Hollyedge Drive. This is much taller than any other boundary fence adjacent to a highway in the immediate area and that in itself would be considered to be seriously detrimental to the character of the existing streetscene.

The fence measures around 2m high along the front boundary and although it was not possible to measure the fence along the boundary with no.34 Agecroft Road East (attached), the fence does appear to be the same height along this side boundary. It is noted that although the 2m high fence along the shared boundary with no.34 to the front would be considered to be unneighbourly, it could be possible to erect part of this fence as Permitted Development. However, there are no other properties along Agecroft Road East that have this type of boundary treatment to the front gardens.

In the supporting planning statement the agent has suggested that the replacement fencing with dark grey composite cladding panels has been selected due to it being high quality, durable and low maintenance. They also state that the replacement fence follows the same established line of the original boundary fence and it does not materially alter the

relationship with neighbouring properties or the highway, and that the overall appearance of the boundary treatment compliments the refurbished dwelling on site.

Whilst the dark grey composite panels used in the construction of the fence and gates may be similar to the materials used on the dwelling, they are considerably different to any other boundary treatment in the area, where the majority of boundary treatments are short walls and soft landscaping. As such the fence, as built is considered to be an incongruous and alien feature in the streetscene and it is seriously detrimental in terms of visual amenity in this location.

Given the above the proposal does not conform to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

Residential Amenity/Impact on the highway -

- As the land on site has been dug over it is difficult to assess what the actual ground level would be once the development is complete, and as such the height of the fence has been measured from the ground level as it is currently.
- Along the side boundary, adjacent to Hollyedge Drive the fence measures between 1.8m at the front corner up to 2.59m at the rear. For the most part the fence to the side measures around 2m as built. Although this would be higher than what would be acceptable in this location in terms of visual amenity for the most part, the fence to the side would not have any significant detrimental effect on residential amenity in this location.
- A new fence has been installed along the shared boundary with no.34 Agecroft Road East, to the front and rear of the dwellings, although it has not been noted on the proposed drawings. The fence appears to be approximately 2m in height which could be built as Permitted Development at the rear, and to the front most of the fence could also possibly be considered Permitted Development, with the exception of the panel closest to the front boundary which would require permission as it is over 1m in height. Although a 2m fence along the front shared boundary with no.34 would not be considered acceptable in this location in terms of visual amenity, it wouldn't cause any significant harm in terms of residential amenity at the front of no.34 next door.
- Similarly the front boundary fence to the west side of the front boundary would not have any significant detrimental impact on residential amenity in this location.
- The proposed vehicle access would be in the same position as it is currently.
- Although much of the fence may technically not be significantly detrimental in terms of residential amenity, the proposal to install a solid composite sliding electric gate to the entrance and the 1.8m - 2m high solid composite fence to the front corner of the site would seriously restrict visibility for car users coming off and onto the site, as well as for car users and pedestrians moving from Hollyedge Drive on to Agecroft Road East which could cause harm to passing pedestrians and vehicles. As such it would not be considered acceptable in this location.
- At the rear the new fence has been erected directly behind the original timber fence and is approximately 700mm higher. This has resulted in the fence measuring around 2.59m from the ground at the rear corner of the site. In addition to this the fence which was originally installed at an angle across the rear corner of the site, has been built at a right angle to the rear of the site. The fence would have previously been erected at an angle so that car users at no.2 Hollyedge Drive could move off their driveway safely. As built, the fence measuring approximately 2.59m high would be considered significantly detrimental because it has been built along the rear/side boundary. If the fence would be built at angle as the previous fence was it may have been acceptable.

Taking the above into account the proposal does not conform to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of the impact on highway safety to the front and rear of the site.

Insufficient information -

The plans submitted with the application do not contain sufficient information in order for the proposal to be properly assessed, based on the following reasons;

- Position of the proposed fence and gates relative to the existing adopted highway at Hollyedge Drive and Agecroft Road East and existing boundary wall.
- Position of the proposed fence and gates relative to the legal/established footway crossing position on Agecroft Road East.
- Works to extend the existing boundary wall abutting Hollyedge Drive adjacent to No. 2 Hollyedge Drive shown indicatively on the proposed gate and fence elevations, incorporating foundations that do not extend under the adjacent adopted highway.
- Proposed alteration to/extension of the existing driveway in porous/permeable materials and/or measures to prevent the discharge of surface water onto the adopted highway.
- There are no ground levels included with the application, which means the height of the fencing to all boundaries cannot be properly measured.
- No details regards the proposed electric gates and any mechanism relating to the gate have been included with the proposal.
- The fences which have been erected along the shared boundary with no.34 Agecroft Road East have been shown on the proposed drawings.

Parking -

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as approved on the previous planning application.

Response to neighbour objections -

The concerns of the neighbours have been addressed in the report above and by way of the refusal of the proposal.

Conclusion -

Taking the above into account the proposal is not considered acceptable in terms of visual and residential amenity and does not conform to the Bury Unitary Development Plan Policy Nos EN1/2 - Townscape and Built Design, H2/3 – Extensions and Alterations and the Development Control Policy Guidance Note 6 – Alterations and Extensions to Residential Properties, and Places for Everyone Joint Development Plan listed.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Refuse

Conditions and Reasons:

- 1 The design and finished materials of the fence is neither appropriate to, nor sympathetic with the existing streetscene, and would be significantly detrimental to the visual amenity of the area. The proposed development therefore conflicts with

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the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity, and Places for Everyone Joint Development Plan listed.

- 2 The fence as built is seriously detrimental to users of the adjacent highway by reason of its height, size and position. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions, associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties, and Places For Everyone Joint Development Plan listed.
- 3 The application and submitted plans contain insufficient information to enable them to be properly assessed. The proposed development therefore conflicts with the following policy of the Bury Unitary Development Plan: H2/3 – Alterations and Extensions, associated Supplementary Planning Document 6: Alterations and Extensions to Residential Properties, and Places For Everyone Joint Development Plan listed.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer DM</u>	<u>Date 30/6/2026</u>
AU - 25/06/2026			